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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,557	10/27/2003	Majid S. Delpassand	DYN002US	2429
32656	7590	11/01/2004	EXAMINER	
W-H ENERGY SERVICES, INC. 10370 RICHMOND AVENUE SUITE 990 HOUSTON, TX 77042			VRABLIK, JOHN J	
			ART UNIT	PAPER NUMBER
			3748	

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/694,557

Applicant(s)

DELPASSAND ET AL.

Examiner

John J. Vrablik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 1-31, 40, 41 and 43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-39 and 42 is/are rejected.
- 7) ☒ Claim(s) 42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

In applicant's response filed August 13, 2004 to the restriction requirement, an election was made of Group II and the species shown in Fig. 3 within Group II. Applicant further stated that at least claims 16, 32 and 42 are generic and claims 16, 17, 20-25, 32-39 and 42 read on the elected species. However, claim 16 is not generic because it recites a replaceable progressing cavity insert having an outer surface sized and shaped for removable receipt within a cylindrical tube which does not read on the elected species of Fig. 3. Therefore, dependent claims 17 and 20-25 also do not read on the elected species. An examination on the merits of claims 32-39 and 42 which do read on the elected species of Fig. 3 is given below.

Claims 1-31, 40, 41 and 43 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention or species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 13, 2004.

### *Claim Objections*

Claim 42 is objected to because of the following informalities: The claim should end with a period. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Wood et al. (Wood) (Figs. 1 and 2) or Zeitvogel (Figs. 2 and 3) in view of Turner (Fig. 7). Each of the primary references discloses a progressing cavity stator comprising a fiber reinforced composite component (22, 24 in Embodiment A in Wood, and 2 in Zeitvogel) providing an internal helical cavity, the fiber reinforced composite component having an internal surface, the internal surface having at least one helical groove provided thereon; an elastomeric liner (26 in Embodiment A in Wood, and 1 in Zeitvogel) disposed on the internal surface; and the fiber reinforced composite component including a plurality of fibers disposed in a matrix material. The claims differ from the primary references by reciting that the plurality of fibers are disposed such that distinct portions thereof follow correspondingly distinct directions. Turner teaches forming the fibers into braids (40) which follow distinct directions. It would have been obvious to one having ordinary skill in the art to dispose the plurality of fibers in either

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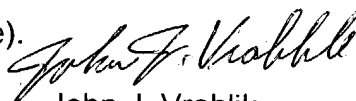
Wood or Zeitvogel into braids that follow distinct directions, as taught by Turner, to strengthen the composite component.

Claims 38, 39 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Turner. Wood further discloses that the progressing cavity stator is employed in a downhole drilling motor as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Vrablik whose telephone number is (703) 308-2629, after November 22, 2004 the number will be (571) 272-4869. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (703) 308-2623, after November 22, 2004 the number will be (571) 272-4869. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John J. Vrablik  
Primary Examiner  
Art Unit 3748

jjv